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IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 11803 of 2003

Between:

1. Superintendent of Police,
   Nalgonda
2 The D.I.G. of Police,
   Hyderabad Range
3 The Addl. Director General of Police (Admn.)
   O/o. D.G. & I.G of Police, A.P. Hyderabad.

4 The Prl.Secretary to Govt. of A.P.
   Home Department, Hyderabad.

..... PETITIONERS

AND

K. Venkat Reddy
Ex.HC, 102,

Nalgonda Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ of Proceedings more particularly one in the nature of "WRIT OF CERTIORARI" calling for the records pertaining to the orders passed on 16-10-2001

in O.A. No.246/2001 on the file of the Hon'ble APAT., Hyderabad and quash the same as illegal and arbitrary and pass

Counsel for the Petitioner: G.P. FOR SERVICES-I

Counsel for the Respondent No.: MR.A.HANUMANTHA REDDY

The Court made the following:

W.P.No.11803 of 2003

ORDER (per the Hon'ble Sri Justice Goda Raghuram):

The Writ Petition is directed against the orders of the Andhra Pradesh Administrative Tribunal, dated 16-10-2001 allowing the O.A.No.246 of 2001 setting aside the order of the petitioners herein dismissing the respondent herein from service as Head Constable in the Andhra Pradesh Police Sub-ordinate Service Rules.

The respondent was appointed as Police Constable in 1981 and was eventually promoted as Head Constable. While working as Head Constable at Gudipalli Police Station during 1991 he was in-charge as Station House Officer, as the Sub-Inspector of Police was deputed to other duties. He was also elected as President of the A.P. Police Non-Gazetted Officers' Association of Nalgonda District. While so, on the basis of report of the Circle Inspector of Police, Devarkonda Police Station, the Superintendent of Police, Nalgonda by proceedings, dated 10-04-1991 initiated disciplinary action against the respondent herein alleging gross negligence and dereliction of duties in failing to visit the hamlet on a complaint of one Kathi Damodar Reddy, as a consequence of which a double murder occurred; high handed behavior in extracting the amounts of Rs.5,000/- from one Vasa Padma by putting her in fear using his official position; registering a false case against one Lohitha Reddy and Ravinder Reddy; moral turpitude in demanding and accepting illegal gratification of Rs.200/- on 09-02-1991 and also beating and abusing an

individual one M.Pulla Reddy.

After a due process of enquiry, the enquiry officer submitted his report holding that four of the charges were not proved and only charge No.2 viz., extraction of Rs.5,000/- from one Vasa Padma by putting her in fear in abuse of official position has been proved. Thereupon, the Superintendent of Police, Nalgonda, by proceedings dated 05-02-1998 called for the respondent's explanation and after receipt of the explanation, passed the order of dismissal of the respondent herein from service. The departmental remedies of representations, and appeals also having been rejected, respondent herein approached the A.P. Administrative Tribunal challenging the disciplinary proceedings and infliction of a penalty.

The Tribunal, on an analysis of the record of the disciplinary proceedings, came to the conclusion that there was no evidence to substantiate charge No.2 in respect of which charge alone, there was a conclusion of guilt against the respondent herein. The Tribunal found that the complainant made the complaint to the Inspector of Police, Devarakonda Police Station, lodged against the respondent herein, 40 days after the alleged incident, that there were also suspicious circumstances having regard to the material available, which shows some measure of animus between the respondent herein and the Inspector of Police. P.W.3 had denied in the departmental proceedings that he had given any money to the charged officer and had also stated that at the instigation of the Inspector of Police, Devarakonda Police Station, he has given complaint on 26-07-1991 to the Additional Superintendent of Police. P.W.3 also did not support the allegations and admitted in the cross examination that he could identify the persons, who had taken the amount from her, but the charged officer was not one among such persons, who came to her house and took the money. She also admitted in the cross examination that at behest of the Inspector of Police, she had given a false complaint. Even P.W.5 deposed that he does not know anything about the payment of money. P.W.9 also denied the allegations. The evidence of P.W.12 who had no direct knowledge of the incident and who had sent the report to the higher authorities was of no relevance in establishing the charge.

On the above analysis, the Tribunal came to the conclusion that there was no evidence to support the conclusion of guilt against the charged officer in respect of the only charge that he was found guilty of and which was held proved in the disciplinary proceedings viz., charge No.2. The Tribunal has correctly analysed the

record of the disciplinary proceedings and come to the conclusion that the guilt of the employee is not established by any evidence.

We find no error in the application of law or of discretion by the A.P. Administrative Tribunal warranting interference in this writ petition. There are no merits in this writ petition.

Accordingly, the writ petition is dismissed. No costs.

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J. Chelmaswar, J

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G. Raghuram, J

28th July, 2004

lsn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Superintendent of Police, Nalgonda.

2. The D.I.G. of Police, Hyderabad Range.

3. The Additional Director General of Police (Admn.)

O/o.D.G. & I.G. of Police, A.P. Hyderabad.

4. The Principal Secretary to Government of Andhra Pradesh,

Home Department, Hyderabad.

5. Two CCs to G.P. for Service-I, High Court Buildings,Hyderabad (OUT).

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